Doc Code: AP.PRE.REQ

PTO/SB/33 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) VID-01602/29	
	Application Number 09/877,596-Conf. #1588	Filed June 8, 2001
	First Named Inventor Barry H. Schwab et al.	
	Art Unit 2457	Examiner L. T. Jacobs

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant /inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 37,424
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____

/John G. Posa/
Signature

John G. Posa
Typed or printed name

(734) 913-9300
Telephone number

November 8, 2010
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of 1 forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Schwab et al.

Serial No.: 09/877,596 Group No.: 2157

Filed: June 8, 2001 Examiner: L. Jacobs

For: METHOD FOR SECURE TRANSACTIONS UTILIZING PHYSICALLY SEPARATED COMPUTERS

PRE-APPEAL REQUEST ARGUMENTS

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action mailed August 6, 2010, Appellant hereby submits a Notice of Appeal accompanied by a Pre-Appeal Request for Review. Pre-Appeal Brief arguments are below for the consideration of the review panel.

Rejection of Claims 1-15 Under 35 U.S.C. §103(a)

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khidekel *et al.* in view of Messner.

The teachings of Khidekel reside in a method for controlling the security of transactions by controlling access to the resources in question (paragraphs 0005 and 0006). In this technique, a user desiring access to a particular resource is directed to a first security server, wherein the user's credentials are authenticated. If the user is authorized to access these resources, then a token is provided, by which method the user can access other servers. Depending on the structure of the systems, it may be necessary to provide a token for each server to be accessed, thereby resulting in multiple tokens being issued. In all cases, the desired transaction is initiated by the user when the user requests access to the resources. However, once the user has been authenticated and has been issued the token (or tokens), there is no direct involvement in authorizing the specific transactions that later are conducted by the user. Although the system may require the user to be re-authenticated later in the

transaction process, it is the user that is approved, not the specific transaction details themselves. In this sense, the system is similar to a user obtaining a pass [token] to an amusement park. While the user may be required to exhibit the pass before being allowed to go on a ride, the authorization is not specific to the particular ride, it only is related to whether the user is allowed to be inside the park.

In summary, the Khidekel is an access control system, which is not related to any specific activities after the access has been granted, and which teaches away from participation in the details of any specific transaction that occurs after access is allowed. The access is controlled by way of a token, which is issued on request by the user.

The teachings of Messner reside in a two methods for authenticating a transaction before approval.

In the first method ("Split Transaction Model" --- paragraphs 0083 – 0089, and Fig. 9A and 9B), the authorization is transmitted simultaneously with the order information. This obviously is different from the instant invention, in which the authorization is transmitted after the order is submitted, and by way of a pre-determined communication path/method (typically via a third-party or a user-designated e-mail account). The system essentially assumes that an order received from a particular client computer has been issued by the user himself or herself.

In the second method ("Interactive Client Approval Model" --- paragraphs 0090 – 0097, and Fig. 10A and 10B), the user is required to provide a confirmation of the order, but the approval is performed by through a specific channel --- the user client system. Although Messner specifies that the request is transmitted to the user client system by way of IP addresses, this is impractical unless the step is performed contemporaneous to the transaction. IP addresses on typical connections (such as dial-up service, or broadband services provided by various Cable or Telephone service providers) are assigned dynamically using systems such as DHCP, and thus are not persistent. If a user were to log in over a wireless connection, and then switch to a separate wired connection after arriving at home, then there is essentially no possibility that the two sites would be assigned the same IP addresses. It is only by staying on-line throughout the entire authentication/authorization process that this approach would be usable. In addition, the path chosen would not allow the user to specify the communications path and method to be utilized, as that has been pre-determined by the system of Messner.

Because the systems of Khidekel and Messner specify authorization to occur at different points

in the transaction process (and Khidekel specifies only access control, and not participation in specific transactions), there is no motivation to combine these two references. In addition, Khidekel specifies the use of a token (or tokens). Messner uses no tokens, and has no obvious way to integrate the use of one in the methods as disclosed. As a further distinction, the instant invention also has no element of a token to be used to control access, and, in fact, does not concern itself with the specifics of how a connection path is established. Furthermore, the systems of Khidekel and Messner provide no user control of the communication path to be utilized, or for the method to be used for requesting and confirming authorization for a specific transaction.

Since all rejections are based on a combination of Khidekel and Messner, Applicant believes all claims are in condition for allowance.

Respectfully submitted,

By: _____

John G. Posa
Reg. No. 37,424
Gifford, Krass, Sprinkle, Anderson & Citkowski, PC
PO Box 7021
Troy, MI 48007-7021
(734) 913-9300 FAX (734) 913-6007

Dated: November 8, 2010